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PATENT Attorney Docket No. MTI-31041-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Ping, et al.
Serial No.	:	10/046,497
Filing Date	:	October 26, 2001
For	:	Method For Forming Raised Structures by Controlled Selective Epitaxial Growth of Facet Using Spacer
Group Art Unit	:	2814
Examiner	:	LE, Thao X.
Confirmation No.	:	8624

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

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37 CFR 1.8(a) **37 CFR 1.10**

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Date: 10-28-02 Fred Hargrave

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Examiner's requirement for an election of species, mailed September 30, 2002, Applicant elects Subgroup "b", Figs. 2A-2F, with traverse.

Applicant traverses the Examiner requirement for election of species.

First, contrary to the Examiner's statement, Applicant submits that Claims 129, 143, 149, 173, 176, 179, 182, 186, and 190 are generic to all of Species a-c.

Second, Applicant respectfully disagrees with the identification of Species, and submits that the Examiner's characterization of the claims is in error.

The pending claims are *not* method claims.

Claims 101-128 recite a *transistor*.

Claims 129-181 recite a *semiconductor structure*.

Claims 182-193 recite a *semiconductor device*.

Each of the pending Claims 101-193 recite a structure comprising at least two overlying epitaxial layers having insulated sidewalls and an uppermost layer with an insulated top surface, or being covered by an insulative layer.

Claims 101-116:	a transistor gate *and/or* a source/drain region with at least two overlying layers of epitaxially grown silicon.
Claims 117-122:	a transistor gate with multiple overlying epitaxial layers.
Claims 123-128:	a source/drain region with at least two overlying layers of epitaxially grown silicon.
Claims 129-193:	a semiconductor structure or device with at least two overlying layers of epitaxially grown silicon — which can be a transistor gate, source drain region, or other structure.

The claims readable on Species "b" — illustrated in FIGS. 2D, 2E, 2F are Claims 101-116, 123-135, 137-160 and 165-193.

It is also pointed out that the claims readable on the remaining species are as follows;

Species "a" — illustrated in FIG. 1H — Claims 110-115, 123-136, 140-156, 158-160, 169, 172, 173, 175, 176, 178-179, 181-183, 185-187, 189-191, and 193.

Species "c" — illustrated in FIG. 3C — Claims 117-122, 129-135, 138-139, 143-157, 161-168, 170-171, 173-174, 176-177, 179-180, 182-184, 186-188, and 190-192.

Applicant notes that the election of species is for the purpose of prosecution on the merits, and that Applicant will be entitled to consideration of claims to additional species upon allowance of a generic claim.

Applicant believes that the claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,

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Dated: October 28, 2002

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